UNITED STATES PATENT AND TRADEMARK OFFICE

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7590 04/20/2006	**EXAMINER**
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Intellectual Property Administration	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *20 February 2006*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9,11-19,22-42 and 44-50* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-9,11-19,22-42 and 44-50* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *113001*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed on February 20, 2006 cancelled claim 43 and amended

claims 3, 4, 6, 7, 13, 19, 22, 24, 30, 36, and 40. The amendment also added Claims

49 and 50. Thus, the currently pending claims addressed in this action are 1-9, 11-

19, 22-42, and 44-50.

Claim Rejections - 35 USC § 101

2   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3   Claims 13-19 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. A computer program on a

computer readable media is considered data on a disk which is non-functional

descriptive material (See MPEP 2106). In order to meet the 35 USC 101

requirements the claimed invention must produce a "useful, concrete, and tangible

result", and the invention as currently claimed is not capable of meeting these

requirements. The invention is useful and concrete by virtue of the computer media

on which it is stored. For example, a computer media such as a Floppy Disk is a

physical object and therefore concrete. This concrete form could be used for many

things such as a bookmark or drink coaster so it might be useful.

However, neither the computer media nor the computer program produces

anything. A computer program is simply written text that is structured in such a way

that a compiler can convert this text into machine-readable code. For example,

following is a simple computer program with a module configured to print "I am a

program!":

```
class SimpleProgram {
        public static void main(String args[])
        {
                printmodule();
        }

        public printmodule();
        {
                System.out.println("I am a program!");
        }
}
```

In its current state this computer program is not capable of producing

anything. The first step in converting the computer program into patentable subject

matter is that the computer program must be compiled into machine-readable code

that a computing device can understand and storing it on a computer media. The

act of compiling the program and storing it on a computer media results in software

that is executable to perform the claimed steps which, while still non-statutory, is

considered functional descriptive material. At this point the invention is now capable

of producing a tangible result but is not able to produce a tangible result as specified

in the MPEP.

In order to produce a tangible result, the software must be loaded on a

computing device that executes the program to perform the claimed steps. The only

manner in which a tangible result will be realized is when the software is executed.

Until such a time, the invention does not meet the 35 USC 101 requirements.

The examiner suggests amending the claims to read:

Claim 13: An e-mail application stored on one or more computer readable media

interacting with a computing device to perform the steps of:

a.   Receiving a content packet ......

b.   Verifying that an advertiser ....

c.   Establishing an acceptable payment value by comparing ......

d.   Rendering the content message ......

e.   Confirming that the content message .....

Claim 14: The e-mail program as recited in claim 13, where in the step of

establishing an acceptable payment value comprises the steps identifying.....

Claims 15 – 19 should also be corrected to recite execution oriented steps

that are similar to the above suggestions.

Claim Rejections - 35 USC § 112

4   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5   Claims 22 – 29 and 49 are rejected under 35 U.S.C. 112, second paragraph,

as being incomplete for omitting essential elements, such omission amounting to a

gap between the elements. See MPEP § 2172.01. The omitted elements are: The

applicant is claiming a printer containing modules that are configured interact with

other computing devices over a network. The applicant has not defined any

structure relating to the claimed printer. In order to prosecute the claim the Examiner is assuming that the printer contains a processor that executes the claimed modules and some form of input and output ports that allow it to communicate over a network. Without the structure assumed by the examiner the printer would not be able to perform the steps recited in claims 22 – 29 and 49. The examiner suggests the applicant rewrite the claims to distinctly claim the structure of the printer that enables it perform the steps recited.

Claim Rejections - 35 USC § 103

6   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-9, 11, 12, and 30-39 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber et al (5,794,210) in view of Dedrick (5,768,521).

Claim 1: Goldhaber discloses an apparatus for presenting content packages to a user, comprising:

      a. A processor (Col 9, lines 33-40).

      b. A memory with a content package stored thereon (Col 10, lines 39-63 and Col 15, lines 26-28); and

        c. The content package including a message, a bank id, and a display value

          (Col 10, lines 39-63).

The Examiner notes Claim 1 is directed towards a server with three parts: a

processor, a memory, and a content package (i.e. data) stored on the memory.

Since no action is being taken on the stored data, no patentable weight is given as

to what the data is or what type of data it is. However, notwithstanding that,

Goldhaber does disclose a server with the same type of data stored thereon.

Furthermore, Dedrick also discloses an apparatus for presenting content packages

to a user that includes a processor and a memory with a content package stored

thereon that includes a plurality of values arranged in a pricing hierarchy for

advertising information for each advertising message based on how well the user's

profile matches the target user's profile (Col 5, lines 47-50). Therefore, it would

have been obvious to one having ordinary skill in the art at the time the invention

was made to include a plurality of values with the content package stored in

Goldhaber. One would have been motivated to have a plurality of values associated

with the same content package in order to charge the advertiser based on the user's

"worth" to the advertiser as in Dedrick.

Claim 2: Goldhaber and Dedrick disclose the apparatus of Claim 1 above, but

Goldhaber does not explicitly disclose that the message has a message identifier

(e.g. name, number, code, etc.). However, Dedrick discloses identifying the

message in the content package with a unique identifier (Col 3, lines 39-45).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to also uniquely identify the message in Goldhaber. One would have been motivated to include a message identifier in order to allow Goldhaber to correlate the message with the correct content provider when determining which content provider account to debit.

Claims 3 and 4: Goldhaber and Dedrick disclose the apparatus of Claim 1 above, and Goldhaber further discloses paying the display value to the user upon the message (advertisement) being displayed to or interacted upon by the user. However, it is not explicitly disclosed that the user could receive additional payments for both displaying and interacting with the message, such as printing or playing the message. The Examiner notes that the disclosed interacting with the message by the user would encompass all types of interactions to include viewing, clicking on, printing, playing, listening to, or downloading and storing the message. These are all well known types of interactions between a user and information being displayed on the user's computer. It is also well known for an advertiser to pay a first amount when a user is initially displayed an advertisement, and then pay a second amount if the user interacts with the advertisement in one of the above mentioned ways. For example, two well known methods for charging advertisers on the Internet are the pay-per-view and the pay-per-click-through methods. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transfer a first value to the user in Goldhaber upon initially displaying the

advertisement and then a second value when the user interacts therewith, such as printing or playing the advertisement. One would have been motivated to pay an additional value to the user in view of <u>Goldhaber</u>'s goals of enticing the user to accept advertisements and of tracking the user's interactions therewith.

Claim 5: <u>Goldhaber</u> and <u>Dedrick</u> disclose the apparatus of Claim 1 above, and <u>Goldhaber</u> further discloses digitally signing the content package (Col 10, lines 9-38 and Col 16, lines 50-64).

Claim 6: <u>Goldhaber</u> and <u>Dedrick</u> disclose the apparatus of Claim 1 above, and <u>Goldhaber</u> further discloses instructions for receiving one of the values (Col 11, lines 45-58).

Claims 7-9: <u>Goldhaber</u> and <u>Dedrick</u> disclose the apparatus of Claim 1 above, and <u>Goldhaber</u> further discloses that at least one of the values is monetary, a credit on a purchase, or a credit slip (i.e. coupon)(Col 11, lines 8-44 and Col 18, lines 13-33).

Claims 11 and 12: <u>Goldhaber</u> and <u>Dedrick</u> disclose the apparatus of Claim 1 above, and <u>Goldhaber</u> further discloses receiving notice of receipt or recall (deletion) of the package (Col 5, line 54 – Col 6, line 2 and Col 17, lines 49-52).

Claim 30: Goldhaber discloses a method for presenting content packages to a user,

comprising:

        a. Constructing and delivering a content package consisting of a message

           and a rendering value (Col 9, lines 62-67);

        b. Receiving notification of receipt of the content package (Col 5, line 54 –

           Col 6, line 2); and

        c. Crediting the value to the receiver (user)(Col 16, lines 13-17).

        While Goldhaber does not explicitly disclose that the rendering value is

one of a plurality of rendering values associated with the content package, Dedrick

also discloses a method for presenting content packages to a user that includes

constructing and storing a content package stored thereon that includes a plurality of

values arranged in a pricing hierarchy for advertising information for each advertising

message based on how well the user's profile matches the target user's profile (Col

5, lines 47-50). Therefore, it would have been obvious to one having ordinary skill in

the art at the time the invention was made to include a plurality of values with the

content package stored in Goldhaber. One would have been motivated to have a

plurality of values associated with the same content package in order to charge the

advertiser based on the user's "worth" to the advertiser as in Dedrick.

Claim 31: Goldhaber and Dedrick disclose the method and apparatus of Claim 30

above, but Goldhaber does not explicitly disclose that the message has a message

identifier (e.g. name, number, code, etc.). However, Dedrick discloses identifying

the message in the content package with a unique identifier (Col 3, lines 39-45).

Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to also uniquely identify the message in Goldhaber.

One would have been motivated to include a message identifier in order to allow

Goldhaber to correlate the message with the correct content provider when

determining which content provider account to debit.

Claims 32 and 33: Goldhaber and Dedrick disclose the method program as in Claim

30 above, and Goldhaber further discloses providing the bank id (and account

number) of the receiver (user)(Col 16, line 13-17).

Claim 34: Goldhaber and Dedrick disclose the method as in Claim 30 above, and

Goldhaber further discloses the message is displayed to or interacted upon by the

user. However, it is not explicitly disclosed that the user interaction includes printing

or playing the message. The Examiner notes that the disclosed interacting with the

message by the user would encompass all types of interactions to include viewing,

clicking on, printing, playing, listening to, or downloading and storing the message.

These are all well known types of input/output interactions between a user and

information being displayed on the user's computer (e.g. Dedrick, Col 1, lines 30-

32). Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to allow the user to print or play the message. One

would have been motivated to include printing or playing the message as part of

Goldhaber's interactions in order to provide a more memorable experience for the user; thus, increasing the likelihood that the user will remember the message (advertisement) and, in case of message being in the form of a coupon as Goldhaber discloses, providing a hard copy of the coupon for the customary in-store redemption.

Claim 35: Goldhaber and Dedrick disclose the method as in Claim 30 above, and Goldhaber further discloses the message is an advertisement (Col 9, lines 62-67 and Col 15, lines 25-27).

Claim 36: Goldhaber and Dedrick disclose the method as in Claim 30 above, and Goldhaber further discloses verifying the bank account id and the funds therein (Col 7, lines 48-61).

Claim 37: Goldhaber and Dedrick disclose the method as in Claim 30 above, and Goldhaber further discloses instructions for receiving the value (Col 11, lines 45-58).

Claim 38: Goldhaber and Dedrick disclose the method as in Claim 30 above, and Goldhaber further discloses paying the display value to the user upon the message (advertisement) being displayed to or interacted upon by the user. However, it is not explicitly disclosed that the user could receive additional payments for both displaying and interacting with the message, such as printing or playing the

message. The Examiner notes that the disclosed interacting with the message by the user would encompass all types of interactions to include viewing, clicking on, printing, playing, listening to, or downloading and storing the message. These are all well known types of interactions between a user and information being displayed on the user's computer (e.g. Dedrick, Col 1, lines 30-32). It is also well known for an advertiser to pay a first amount when a user is initially displayed an advertisement, and then pay a second amount if the user interacts with the advertisement in one of the above mentioned ways. For example, two well known methods for charging advertisers on the Internet are the pay-per-view and the pay-per-click-through methods. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transfer a first value to the user in Goldhaber upon initially displaying the advertisement and then a second value when the user interacts therewith, such as printing or playing the advertisement. One would have been motivated to pay an additional value to the user in view of Goldhaber's goals of enticing the user to accept advertisements and of tracking the user's interactions therewith.

Claim 39: Goldhaber and Dedrick disclose the method of Claim 30 above, and Goldhaber further discloses digitally signing the content package (Col 10, lines 9-38 and Col 16, lines 50-64).

Claim 50: <u>Goldhaber</u> discloses a method for presenting content packages to a user, comprising:

    a. Constructing and delivering a content package consisting of a message and a rendering value (Col 9, lines 62-67)

    b. Verifying the bank account id and the funds therein (Col 7, lines 48-61)

    c. Receiving notification of receipt of the content package (Col 5, line 54 – Col 6, line 2); and

    d. Crediting the value to the receiver (user)(Col 16, lines 13-17).

While <u>Goldhaber</u> does not explicitly disclose that the rendering value is one of a plurality of rendering values associated with the content package, <u>Dedrick</u> also discloses a method for presenting content packages to a user that includes constructing and storing a content package stored thereon that includes a plurality of values arranged in a pricing hierarchy for advertising information for each advertising message based on how well the user's profile matches the target user's profile (Col 5, lines 47-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a plurality of values with the content package stored in <u>Goldhaber</u>. One would have been motivated to have a plurality of values associated with the same content package in order to charge the advertiser based on the user's "worth" to the advertiser as in <u>Dedrick</u>.

8.   Claims 13-29 and 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Goldhaber et al</u> (5,794,210).

Claims 13, 22, 24, 40, 43, 45, and 49: <u>Goldhaber</u> discloses a method, apparatus,

and computer program for presenting content packages to a user, comprising:

    a. Providing a computer processor (Col 9, lines 33-40);

    b. Storing a content package in memory (Col 10, lines 39-63 and Col 15,

       lines 26-28);

    c. The content package including a message, bank id, and display value (Col

       10, lines 39-63);

    d. Instructions for receiving the value (Col 11, lines 45-58);

    e. Verifying the bank account id and the funds therein (Col 7, lines 48-61);

    f. Receiving notice of receipt of the package (Col 5, line 54 – Col 6, line 2);

      and

    g. Crediting the value to the receiver (user)(Col 16, lines 13-17)

      While <u>Goldhaber</u> does not explicitly disclose that the user will preset a

desired value level for the display value and that the computer program will only

display messages with values which meet or exceed that level, it is disclosed that

the user presets a number of criteria for the selection of which messages will be

selected and displayed when the user is registering with the system. It is also

inherent that only a limited number of messages from which to select may be

displayed on the user's screen at one time. Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to allow the

user to also set a minimum limit on the value of the message the user is willing to

accept. One would have been motivated to have the user in Goldhaber set such a minimum value level in order to increase the worth of Goldhaber's invention to the user by eliminating low value messages, thus presenting only the highest valued messages on the user's screen to increase the user's satisfaction with the system.

Claims 14, 18, and 42: Goldhaber discloses the method and computer program of Claims 13 and 40 above, and further discloses paying the display value to the user upon the message (advertisement) being displayed to or interacted upon by the user. However, it is not explicitly disclosed that the user could receive additional payments for both displaying and interacting with the message, such as printing or playing the message. The Examiner notes that the disclosed interacting with the message by the user would encompass all types of interactions to include viewing, clicking on, printing, playing, listening to, or downloading and storing the message. These are all well known types of interactions between a user and information being displayed on the user's computer. It is also well known for an advertiser to pay a first amount when a user is initially displayed an advertisement, and then pay a second amount if the user interacts with the advertisement in one of the above mentioned ways. For example, two well known methods for charging advertisers on the Internet are the pay-per-view and the pay-per-click-through methods. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transfer a first value to the user in Goldhaber upon initially displaying the advertisement and then a second value when the user interacts

therewith, such as printing or playing the advertisement. One would have been motivated to pay an additional value to the user in view of Goldhaber's goals of enticing the user to accept advertisements and of tracking the user's interactions therewith.

Claims 15, 25, 26, 47, and 48: Goldhaber discloses the apparatus, method, and computer program as in Claims 13, 22, and 40 above, and further discloses sending a notification upon completion of the funds transfer (Col 17, lines 44-63).

Claims 16, 17 and 46: Goldhaber discloses the method and computer program as in Claims 13 and 40 above, and further discloses the message is displayed to or interacted upon by the user. However, it is not explicitly disclosed that the user interaction includes printing or playing the message. The Examiner notes that the disclosed interacting with the message by the user would encompass all types of interactions to include viewing, clicking on, printing, playing, listening to, or downloading and storing the message. These are all well known types of input/output interactions between a user and information being displayed on the user's computer (e.g. Dedrick, Col 1, lines 30-32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the user to print or play the message. One would have been motivated to include printing or playing the message as part of Goldhaber's interactions in order to provide a more memorable experience for the user; thus, increasing the likelihood

that the user will remember the message (advertisement) and, in case of message

being in the form of a coupon as <u>Goldhaber</u> discloses, providing a hard copy of the

coupon for the customary in-store redemption.

Claim 19: <u>Goldhaber</u> discloses the coupon program as in Claim 13 above, and

further discloses providing the bank id (and account number) of the receiver

(user)(Col 16, line 13-17).

Claims 20 and 21: <u>Goldhaber</u> discloses the coupon program as in Claim 13 above,

and further discloses the computer program running on various user devices to

include a personal computer. While it is not explicitly disclosed that the computer

program is running on a printer, it would have been obvious to one having ordinary

skill in the art at the time the invention was made that the user device could include

a printer, if the printer had the required computing capability, or if a computer has a

built-in printing capability, such as the Wang™ word processors of the 1980's. The

Examiner notes that the line between a computer with printing capabilities and a

printer with computing capabilities is very fine and is quickly becoming non-existent

with the emergence of multiple-use devices. Thus, <u>Goldhaber</u>'s disclosure of

various types of user devices would also encompass a printer with the necessary

processing and memory capabilities or a computer with the necessary printing

capabilities.

Claim 23: Goldhaber discloses the apparatus as in Claim 22 above, and further

discloses deleting the message if the value is too low (Col 18, lines 49-50 and Col

19, lines 4-18). Goldhaber discloses the system deactivating the advertisement

once the user has accessed (and received payment for) it and also the user deleting

the message when it is no longer desired. Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made for the system

to delete messages that did not meet the user's criteria from the list of messages

selected for delivery to the user. One would have been motivated to delete the

messages that did not meet the user's minimum value level, in order to present only

those messages that meet all of the user's selection criteria.

Claims 27-29: Goldhaber discloses the apparatus as in Claim 22 above, and further

discloses that the value is monetary, a credit on a purchase, or a credit clip (i.e.

coupon)(Col 11, lines 8-44 and Col 18, lines 13-33).

Claim 41: Goldhaber discloses the method as in Claim 40 above, and further

discloses the message is an advertisement (Col 9, lines 62-67 and Col 15, lines 25-

27).

Claim 44: Goldhaber discloses the method of Claim 40 above, and further discloses

digitally signing the content package (Col 10, lines 9-38 and Col 16, lines 50-64).

Response to Arguments

9   Applicant's arguments filed February 20, 2006 have been fully considered but

they are not persuasive.

   a. The Applicant argues that neither the Goldhaber patent nor the Dedrick

   patent teach or suggest:

   i.   A server from which a sender distributes content messages to one

   or more receivers as stated in Claim 1. However, Goldhaber

   specifically teaches such a combination in Col 9, lines 32 –67 where

   he states "A plurality of consumer computers are connected to a

   network. Also, connected to the network are a plurality of information

   servers" and that "Servers store information and disseminate it to

   consumer computers".

   ii.   An e-mail program as stated in Claim 13. However, in Goldhaber's

   invention servers are disseminating information to consumer

   computers. This information can take many forms including e-mail as

   is disclosed in Col 6, lines 3 – 22.

   iii.   A printer as stated in Claim 22. However, Goldhaber specifically

   states that his invention works with "computers and workstations

   having the ability to connect to network and being capable of running

   customized software supporting the service provided by the present

   invention. Aside from the new rejection raised relating to the structure

   of the printer in the claim, a printer containing memory in which an

email program is loaded, and able to execute that email program is

consistent with the definition of a computer and therefore the term

"printer" and "computer" are synonymous in Claim 22.

iv.   A method for distributing content messages to one or more

receivers as stated in claim 30. However, Goldhaber specifically

teaches this in Col 9, lines 32 –67 where he states "A plurality of

consumer computers are connected to a network. Also, connected to

the network are a plurality of information servers" and that "Servers

store information and disseminate it to consumer computers".

v.   A method for receiving content messages from one or more sender

computer devices as stated in claim 40. However, Goldhaber

specifically teaches this in Col 9, lines 32 –67 where he states "A

plurality of consumer computers are connected to a network. Also,

connected to the network are a plurality of information servers" and

that "Servers store information and disseminate it to consumer

computers".

b. The applicant argues that Dedrick does not teach or suggest a plurality of

values that indicate different amounts based on a manner of rendering

that the sender offers to credit a receiver for rendering the message

content. However, the Applicant fails to argue the Examiner's motivation

for including a plurality of values that indicate different amounts that was

presented in the Office Action dates October 20, 2005. Additionally,

Goldhaber does disclose this feature in Col 11, lines 51 and Col 10 lines

39 – 57. Goldhaber teaches that each advertisement has different values

associated with the displayed "CyberCoin" and that the user can select the

advertisement based on value (displayed next to each CyberCoin").

These values can vary based upon the advertiser or the amount of

interaction required by the consumer. One of ordinary skill in the art would

not mistake the cited sections to mean that every advertisement has the

same value since the consumer would not choose advertisements that are

long or require significant interaction unless they were appropriately

compensated.

c. The Applicant argues that neither Goldhaber nor Dedrick teach or suggest

verifying that a sender or advertiser has sufficient funds to satisfy a

rendering value. However Goldhaber discloses on Col 10, lines 1 – 8 that

the financial clearinghouse is responsible for assuring consumers are

compensated for paying attention to content delivered to them.

Additionally, Col 10, lines 58 – 65 detail a system where direct payment of

digital cash is handled directly through the consumers computer. Since, it

is disclosed that this results in immediate direct electronic payment it is

inherent that the value in the sender's account is sufficient to cover the

transaction.

d. The Applicant argues that neither Goldhaber nor Dedrick teach or suggest

rendering a content message only if the value that the sender is willing to

pay the receiver is greater than or equal to a pre-determined value that the

receiver requires. Again the Applicant has failed to argue against the

Examiner's motivation for the inclusion of such a feature in the Office

Action dated October 20, 2005. However, since the consumer selects

individual advertisements they wish to view, based upon the displayed

value of the "Cybercoin" next to the offer, they inherently elect to render

content that is greater than or equal to their required value.

Conclusion

10   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to John Van Bramer whose telephone number is

(571) 272-8198. The examiner can normally be reached on 9am - 5pm Monday

through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax

phone number for the organization where this application or proceeding is assigned

is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jvb

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